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Analysis of the Legislation Pertaining to Consumer Protection in Punjab: A Legal perspective with Case Laws

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Abstract

In modern world, banking sector is facing huge competition because of similarity between offered products and services at almost same price. Banks mostly commit negligence and deficiency in services towards their consumers. The availability of proper rights and remedies for consumers increases consumer trust on banks. To increase consumer confidence, it is the need of time to establish a proper redresser mechanism for consumers. One of the major redresser mechanisms available in Pakistan for consumers is the consumer court. This study focuses on the working of consumer courts with special reference to the working of consumer courts over banking sector in Punjab. The Punjab Consumer Protection Act, 2005 (hereinafter will be referred as PCPA, 2005) has provisions for the establishment of the Consumer courts. It is very unfortunate to notice that the jurisdictions of the consumer courts in case of banking sector in Punjab are still unclear and ambiguous. Many cases are discussed in this research work which were dismissed mere by raising preliminary objections over the questions of the jurisdictions of the court. These jurisdictions of consumer courts became unclear and ambiguous due to two major reasons. One of them is the establishment of the specialized banking courts by "The Financial Institutions (Recovery of Finances) (Amendment) Act, 2016." And second major reason is the existing gaps and lacunas in PCPA, 2005. This study explores the need of filling these existing gaps and lacunas in PCPA, 2005 in order to make it more effective particularly for the functioning of the consumer courts. The study foresees that these existing gaps and lacunas in PCPA, 2005 should be addressed and filled by taking Consumer Protection Act, 2019 as a model.

Keywords: Consumer Courts, Banking Courts, Consumer Complaint Redressal Agencies.

Introduction

The protection of rights of the consumers remains a challenge in the developing nations like Pakistan. The significant number of legislations were passed by the Parliament of Pakistan for the protection of the rights of the consumers. These legislations proposed the creation of consumer courts in all the provinces of Pakistan including Punjab. The consumer courts function as a specialized forum for local consumers along with the other ordinary existing courts. So far, the Punjab Government has played its legal role efficiently as compared to other provinces of Pakistan for establishment of the consumer courts. Around eleven consumer councils and consumer courts were established in different districts of Punjab. The Provincial Consumer Protection Council and Lahore High Court are the supervisory bodies for these Consumer Councils and Consumer Courts. (Asif, Maseeh, and Asmat, 2017)

The Constitution of India set down its special emphasis on the importance of consumers justice in parity with the social and economic justice. In India, a lot number of laws were enacted related to the protection of the rights of the consumers (Legal Service India, 2013). However, these Acts failed in India because of their lengthy and complex procedures and other requirements. Out of all the legislations available in India, Consumer Protection Act, 2019 is the most effective measure for the Consumer Protection. (India Today, 2018)

As far as Consumer Courts of Punjab are concerned, the main problem lies with the jurisdictions of these courts over banking sector. The jurisdictions of the Consumer Courts are ambiguous with reference to the banking sector. For example, the term “Services” is not defined in PCPA, 2005. However, this term is expressly and clearly defined in Consumer Protection Act, 2019 focusing on the banking sector. That is why, the jurisdictions of the Consumer Courts were challenged in numerous cases over the banking sector. (Noman, 2011)

Moreover, the number of cases were not entertained by consumer courts due to their unclarity and ambiguity over the question of the jurisdictions of courts. Main problem over jurisdictions exist due to two legal lacunas: Firstly, the Consumer Protection Act, 2005 in its definition of word “Services” do not elaborate the banking sector clearly. Secondly, the major reason is related with the passing of Act titled, “The Financial Institutions (Recovery of finances) (Amendment) Act, 2016.” It was passed by the federal legislature making it a federal statute. On the other hand, the PCPA, 2005 is a provincial statute. In the Constitution of Pakistan, 1973, Article 143 provides that federal statutes have precedence over provincial statutes. Hence, Consumer Act is a provincial subject and Financial Institution Act, 2016 is a federal statute giving this law a special preference over the latter. These two legal issues are regarded as main underlying reasons for unclarity and ambiguity of the jurisdictions of the consumer courts over banking consumers. So PCPA, 2005 should be amended properly so that cases of banking consumers could be entertained by the consumers courts in Punjab. (Iram and Muhammad, 2011)

Literature Review

In a research paper by Mr. Asad Jamal on the topic titled, “Consumer Protection in Pakistan: Some Concerns”, it has been stressed that weak implementation strategy of consumer protection laws and ineffective forums for the consumer redressal are the important concerns. His work recommends that Consumer Protection Councils should be made functional and effective. (Asad, 2012)

In another research paper titled, “The Role of Consumer Dispute Redressal Agencies”, the writer critically analyzes the working of CPA, 1986 and efficiency of consumer courts in India. The author criticized agencies at state and national levels for slow disposal of cases and ineffectiveness. (Kanchi, 2015)

In another research paper, writer discusses about the banking sector's carelessness and insufficiency in providing relevant and adequate services related to shares and investments. The writer discusses the various rights and reparations available to a consumer under the relevant laws. (Sharma, 2012)

In a research work titled, "Judicial approaches on Consumer Protection in India" by Dr. VG Shinde, the author explained number of legislations for consumer protection in India. The author highlighted the commendable service of Supreme Court in protecting and preserving the rights of the consumers. (Shinde, 2017)

In another research paper, the writers discussed that Indian Legislature has enacted various laws like Penal Code of India, Motor Vehicle Act and Consumer Protection Act, 1986. India has the privilege that its consumer courts have clear jurisdictions over banking sector. But the procedure followed in these courts is very complex and problematic. (Shahi, 2010)

Research Methodology

The researchers use both qualitative and quantitative methodologies during this research work. The researchers took the help from various libraries, legislations, written material and online databases. The written material related to consumer protection courts as well as various Journals of Law and Social Sciences were also used during the initial research work related to this topic.

Critical Analysis and Discussions

The Consumer Protection Act, 2005 established consumer courts in Punjab. The section 26 of PCPA, 2005 defines and explains working of consumer courts in Punjab. Moreover, the word "services" as defined in section 2(k) of the PCPA, 2005 has not provided its wider definition to include banking services. The courts of law are not unanimous over the view that whether jurisdictions of consumer courts extend to banking services or not. Some judges have decided over the issue in affirmative, while other judges held the otherwise.

After critically examining various case laws, it is analyzed that the section 2 of PCPA, 2005 pertains to definitions is extensive and complete in PCPA. However, Section 3 of PCPA, 2005 imposes restrictions on the working of the Act over the banking sector. Moreover, the passing of Financial Institutions (Recovery of Finances) Amendment, Act has imposed restrictions on the working of Consumer Courts. As this law is a federal statute, therefore, it will have precedence over PCPA, 2005 which is a provincial statute. All these matters bar the jurisdictions of Consumer Courts over banking sector.

Case Laws related to Punjab Consumer Protection Act, 2005

The section 26 states about establishment of consumer courts and it imposes duty on Punjab Government to establish consumer courts for providing a redressal mechanism to the consumers in the province of Punjab. This section also defines and determines the jurisdiction of consumer courts according to which a consumer court will exercise jurisdiction over one district or more as per the discretion of provincial government of Punjab. (Punjab Consumer Protection, 2005)

The consumer court will be presided by District Judge or Additional District Judge to be appointed by the provincial government of Punjab in consultation with the Lahore High Court. (Punjab Consumer Protection, 2005)

Then, section 2(k) of the Act defines the term "services". However, this definition does not cover the consumers of the banking sector. Over the period in past, the various Judges held conflicting views

about entertaining banking cases in consumer courts and both the views hold strong grounds for the legal reasoning and logical justifications.

Allied Bank Ltd. Faisalabad Vs Khalid Mehmood

In this seminal case, it was held that in order to understand the jurisdictions over the banks, one must understand the section 2 of PCPA, 2015 extensively and critically. The different clauses of the section 2 of this Act extends its jurisdictions to the banking consumers. The “clause d” of this Act also defines the term “Damage”. It is defined very widely to cover the concept of jurisdictions over banking sector. Moreover, the “clause k” of the Act defines the term “services”. After the careful analysis of the term services, it can be concluded that it is not given any limited meaning and has its broader scope of meaning and resultant jurisdiction. The legislator intended to define it generally and very broadly. The use of the word “includes” in that clause means that all kinds and all aspects of the services are included in it. Furthermore, it is also interpreted from the expressed words of that clause that only the three categories as defined in sub-clauses I, II and III are excluded from the word “services”. Thus, rest all kinds of services which also includes banking services are incorporated and covered in the PCPA, 2005.

Askari Bank Ltd. Etc. Vs Irfan Ahmed Niazi

The issue in this case was raised by a customer of the bank in the consumer court of competent jurisdiction. It was held in the present case that section 7(4) of the Financial Institution Ordinance, 2001 states that any matter related to financial consumer will be exclusively taken up by banking courts only and bank in the present case is a financial consumer. So, the consumer courts have the limited powers. The section 3 of the PCPA, 2005 states that this Act is in enforceable in addition to any other law in force at that time. Moreover, this Act will not go in contravention of any other enforced law. The second reason is the constitutional and it is the major and most significant legal issue. The article 143 of the Constitution of Pakistan, 1973 gives a principle that the federal statutes will have precedence over the provincial statutes and determines that whenever there is any contravention between the federal statute and the provincial statute, the federal statute will be given preference. So FIO, 2001 has the preference over PCPA, 2005. Thus, these legal points and determined principles are a bar to the consumer courts for deciding the financial issues. (2015 LHC 8246).

The Financial Institutions (Recovery of Finances) (Amendment) Act, 2016

Initially, this Act had worked very efficiently, and it paved the way for the recovery of long-standing loans. However, in the year 2003-2004, emergence of new finance strategies had caused the failure and collapse of the Banking Courts. (Banking System Review, 2006)

Through an Act of the Assembly in 2016, the Central Government had established the banking courts with the requisite jurisdictions and the powers. Now the federal government can establish as many banking courts as it feels necessary to implement the spirit of the relevant legislation. So far, around 29 Banking Courts have been established in different provinces and the capital of Pakistan. (State Bank, 2010)

According to the population census in 2017, total 170 million population lives in Pakistan. Furthermore, there are around 59 banking courts are operating in various parts of Pakistan. These small number of courts are not enough and insufficient for such a huge population of Pakistan. The cities of Karachi and Lahore are the major corporate cities of Pakistan. They have almost 30 million population which is a significant percentage of the population. Around 09 banking courts are operating in these cities. These cities are large financial hubs and this small number of banking courts

is insufficient to provide effective remedies to the consumers. Moreover, these banking courts have very narrow scope. These issues have been adversely affecting the efficiency of financial institutions.

Moreover, these are also affecting the performance of other judicial forums and platforms. In *Abdul Rehman Allana Vs Citibank, 2003*, it was decided that for invoking the jurisdictions of the banking courts, there exist 03 conditions: Firstly, the financial institution or its customer should be plaintiff. Secondly, the Cause of action should occur during fulfillment of an obligation of financial institution and during this time, a default occurs. Thirdly, the arising issues should be relevant to financial matter. In current era, the financial institutions are providing number of services like internet banking and banks are also working as agents in the system of international trade. In these cases, controversies cannot be tried by banking courts at all. These disputes can be tried by various other civil and criminal courts. This would ultimately lead to multifarious proceedings. [(2003 CLD 1843 (b)]

In another case, it was decided that the judges in the banking courts do not have the relevant pecuniary jurisdictions which extend to this case. This raises a very important question on the nature and status of the banking courts. The jurisdictions of the banking courts extend to Rs 50,000,000 and the cases above this limit can be tried by the High Court. [2002 CLD 612 (b)]

In another case titled, “*Altaf Hussain Vs The State*”, it was held that it is one of the jurisdictions of the High Court to transfer cases between the various banking courts. Moreover, it is an additional duty on the High Courts, and the provisions of this Ordinance have overburdened the already burdened courts due to number of reasons. The relevant judge of the High Court act as the judge of the banking court while hearing the cases pertaining to the matters of the banking court.

Thus, it means the judge of the High Court work as district judge during his role and functioning as the judge of the banking court. (PLD 1985 Lah.10). This issue has created lot of ambiguity and it is in contravention to the legal and constitutional status which has been given to the judges of the High Courts by the Constitution of Pakistan, 1973.

Moreover, the complicated procedure for the appointment of the judges makes the Financial Institution Ordinance more disputed and controversial. This ordinance gives federal government special powers to appoint judges and staff of the banking courts. However, there is no special provision in law for the qualification of the judges of the banking court. Besides, the laws are also silent about appointment of the specialized lawyers. These gaps in law leads to the appointment of the incompetent judges. Generally, the judiciary appoints judges in Pakistan and there is no role of the executive and the legislature. This suggests that this law interferes with the powers of the judiciary. The judicial appointments and discretions given in the decision making puts a question mark on the nature and credibility of this statute. The judges are appointed by the judges of the superior courts through a legal procedure laid down in the constitution of Pakistan, 1973. These provisions given in the legislation directly interferes in the judicial powers and its exercise by the respective judicial officers and judges. So, this legislation makes banking court more ambiguous and uncertain. (Naveed & Waheed, 2011)

The section 15 of this statute says that financial institutions can sale mortgage property without any kind of sanction from any court of law. The default amount will be determined by the banks or financial institutions. The banks and financial institutions get property rights after serving the three written notices as per the provisions of the law. The property rights include rents and profits of the mortgage property. (Saleem, 2013)

The financial institutions Act also puts restrictions on the issuance of the injunctions by the banking court and the high courts. (Ibrahim, 2001)

The section 15 of this law is clear violation of many articles of the Constitution of Pakistan, 1973. The law is silent over the procedure of auction, time limitations for recovery, manner of fixing reserve prices and on many other related issues. Another major issue is that this law does not have the jurisdictions over the mistakes and other defaults committed by the banks and financial Institutions (2009 CLD 257). These gaps in this law need to be filled at earliest.

The newly amended law of 2016 has extended the monetary jurisdiction of the Banking Courts (Mushtaq, 2018). The Section 2(g) defines the term, "Willful default". The section 20 explains those punishments which extend to seven years imprisonment and these punishments are cognizable and non-bailable. In the cause c and d of the definition clause of section 2, an amendment is inserted in the definition of the term "Finance". New amendment has widened the scope of the term finance and now it includes the loans from the Pakistani banks running in the foreign countries. Moreover, the section 5 explains the qualifications and criteria for the appointment of the judges in the banking court. Now according to the new amendment, the required qualifications and criteria for the appointment of a district judge and a judge of the banking Court are same. The section 12 empowers Banking Courts to reverse previous judgements of itself based on any reasoning. However, this depends on the payment of decreed amount. Besides, there is also no requirement of the previous application of limitation here. The new amendment in section 12 gives powers to banking courts to overturn ex-parte decrees. The section 15 is re-enacted and states that a mortgaged property could be sold only up to a certain value by financial institutions. (The Financial Institutions (Recovery of Finances) (Amendment) Act 2016). The amendment to the law reduced the default rate for financial facilities. (Arshad, 2017)

Consumer Protection Act, 2019

In Consumer Protection Act, 2019, the section 2 clause 1(d) defines the term "Consumer". During transactions in the banks, the "consumers" are the account holders, draft purchaser, who have locker with the bank etc. These consumers can lodge complaints under the Act about the negligence of banking practices. In Morgan Stanley (Appeal Civil 2914 of 2007), it was held by the Supreme Court that an applicant can only enjoy the status of banking consumer after the due allotment in accordance with the laws. (Arjit, 2013)

The Word Services is defined in Section 2 (1) and section 2 (1) g defines "Deficiency" in the services. The banking service in this Act includes accepting deposits, paying insurance premiums, lending money and safe deposit box. If any bank commits negligence in providing services in these matters, the issues could be taken up before the relevant forums for the redressal of the grievances of the consumers. Any account holder of the bank or the user of the services can file complaint for the remedies according to the provisions of the relevant laws. The compensation is granted for the deficiency in the services as well as for the mental torture. (Apeksha, 2016)

Under this Act, a consumer court is established in every district. Appeals from District forum lies in the State Commission. On the decisions of the district forum, the appeals are filed before the State Commission. The appellate body over State Commission is the National Commission. Moreover, the National Commission is established at the top of other District forums and State Commission. (Consumer Protection, 2019)

The jurisdiction of the district forum is up to Rs 5 lakh. Whereas, the State Commission has the pecuniary jurisdictions over the claims of Rs 5-20 lakhs. The National Commission exercises jurisdictions over the claims of the amount exceeding Rs.20 lakhs. (Consumer Protection, 2019)

The main aim of the consumer forums is to provide the remedies to the aggrieved party against the injuries. This forum aims at providing speedy justice to all the aggrieved persons. In order to resolve

any matter between the two parties, it is necessary to first serve the notices on the defaulter. If on the appointed date, the defaulter does not appear, then the court can decide the issue ex-parte. This consumer redressal forums have the jurisdiction to award impose punishment of imprisonment for up to three years. These forums are empowered under the relevant laws to issue the warrants to produce the defaulters before the court of law. These consumer forums can take assistance from the police and the revenue departments for arresting the defaulter under the relevant provisions of the law. The consumer courts only entertain those matters which are related to the personal use of the products and services and it does not entertain the matters of commercial products. (Consumer Protection,2019)

Conclusion

The widespread illiteracy and poverty in the developing countries have exposed the consumers to the menace of exploitation. The banks have started to exploit the consumers with a rapid growth in the financial sector. The Consumer Protection Act, 2019 in India is very important model for the consumer protection legislation in Pakistan and it is already providing effective forum to the aggrieved consumers in India.

Moreover, the analysis of the decisions of the Supreme court reveal that the relevant law not only award the compensation for defects in the goods and the services, but it also provides damages for the mental agony and torture of the aggrieved consumers.

In financial system of Pakistan, the banking sector has almost 74 percent of assets. This level has been remained constant for past 10 years without any significant change. The national savings account is almost 17 percent for the insurance companies. Moreover, the non-bank financial institutions do not hold more than 10 percent of the assets of the financial system. The phenomenon of the increased household lending has resulted into more unfair means and deception by the banks and the financial institutions because of the illiteracy and lack of exposure of the consumers.

It is the responsibility of Government of Pakistan to make a framework for ensuring that the banking consumers should have a proper and effective remedial mechanism for the redressal of the grievances of the consumers. In PCPA, 2005, a comprehensive strategy needs to be devised for the protection of the banking consumers. In this legislation, the necessary and relevant provisions should be included for the awareness, quality standards and grievances redressal of the banking consumers. The jurisdictions of the consumer courts should be made clear over the banking sector in order to provide the clarity related to this matter. If these measures be incorporated, the banking consumers will not remain reluctant to approach the consumer courts. Since the year 2005, no proper and effective legislation has been made for applicability of the jurisdictions of PCPA, 2005 over the banking services. The consumer courts must be given proper power and mandate to entertain the consumers of the banks.

The consumer protection has been remained very neglected in Pakistan for a long time. The first legislation which was enacted in Pakistan for the consumers protection is the Islamabad Consumer Protection Act, 1995. Besides, the protection of the consumers is in the provincial list of Pakistan. After the Islamabad Consumer Protection Act, 1995, the provinces of Pakistan have also adopted the provincial consumer laws. The federal consumer law was used as a model for enacting the provincial consumer laws. Out of all the provinces of Pakistan, the province of Punjab has established the separate consumers courts at the earliest. Other provinces are still not taking any effective steps for the establishment of the consumer courts. Moreover, there has been a recent talk in the province of Sindh for the establishment of the consumer court. As Pakistan is already an over legislated country, and there are many other laws which are relevant to the consumer protection. But these legislations have failed due to many technical issues including the financial shortcomings and weak infrastructure etc.

The banks have benefited heavily due to the demand for the consumer finance and earned the record profits under the generous credit policy space provided by the State Bank of Pakistan over the past few years. The banks have gotten into junk funding by aggressively marketing the products even where there is no real demand. The banks in Pakistan have miserably failed in ensuring their compliance with the regulations of the State Bank of Pakistan. This is the main reason that majority of the consumers of the banks are not satisfied with the services of the banks. There should be proper judicial forums for the consumers so they can get the justice. In every district of the province, a consumer court should be established so that consumers can approach the courts easily by avoiding the long traveling.

The Financial Institutions (Recovery of Finance) (Amendment) Act ,2016 provides a comprehensive plan for the recovery of the loans. This Act contains the provisions for the foreclosure and sale of the mortgage property by the banking courts. It also provides that any case pending with respect to the matters pertaining to the banks should be transferred to the banking courts.

However, the situation of the banking courts operating in Pakistan is very worst. The banking courts of Karachi remained vacant for most of the time as posts for the judges remained vacant. Moreover, only 05 banking courts are working in the entire region of Karachi. All the banks and financial institutions of the Karachi approach from the whole Karachi to these few courts only. In all the provinces of the Pakistan, the situation is same. As small number of courts are operating there, so judges performing their functions in these courts are overburdened and not able to carry out their responsibilities easily. They used to adjourn cases for long time to manage the working of the courts. The judges appointed in these courts are not specialized in the banking laws. Similarly, the lawyers who used to appear before these courts are not specialized in the banking sector. These issues have been adversely affecting the efficiency of these courts.

It will be convenient to extend jurisdiction of PCPA, 2005 over the banking sector. The jurisdictions of the consumer courts in case of banking products and services should be more clarified and regulated. In case of any complaint of a consumer of the banking services, the consumer courts should be considered as capable of giving final decision in more efficient manner. The executive is responsible for this ineffectiveness and the judiciary should also play its more effective role in this regard.

Recommendations

1. In PCPA, 2005, a proper legislation should be passed regarding standards and principles for the banking products and services so that without any ambiguity PCPA, 2005 can be applied over the banking services. These standards and principles should also be properly implemented after the proposed enactment.
2. The new amendments should be passed in PCPA, 2005 for establishing a proper management for the protection of the consumers of the banking products or services. A consumer agency should be created in this regard.
3. In consumer law of the Punjab, there is a need to create a financial supervisory agency or a specialized financial consumer agency. The mission of this organization should be to implement, monitor and enforce the rules of the banking products and services. The agency will collect and analyze data on the inquiries, complaints and disputes of the consumers of the banks. The proper finance should be provided to this agency for its smooth working and implementation of its provisions. This will ultimately lead to transparency and proper accountability of the agency.
4. The Indian Consumer Protection Act 2019 defines word “services” in such a clear way that its definition expressly indicated term “banking services” in it. It is very appropriate to include the

term banking services in the relevant legislation. The legislator should also extend the jurisdiction of the consumer courts over the banking services by amending the PCPA, 2005. The section 2 clause “k” of the said Act defines the term “services” which need to be amended again for further clarity and proper expression. Now the term “Services” should include the term “banking services” as it is being practiced in India and incorporated in the Indian Consumer Laws. The judges of the consumer court should be appointed efficiently and on the basis of the relevant knowledge and professional background.

5. The justice should be provided efficiently by adopting the speedy and low-cost procedures for the banking services. Moreover, some standards should be developed for handling the complaints of the aggrieved consumers. An agency should be established whose function should be to analyze the complaints handled by the consumer court.

6. A website should be designed for the consumer court which should regularly display the cases and their next adjourning dates for the convenience of the consumers.

7. The time period for the decision of a matter by the consumer court under section 30(5) of CPA, 2005 is not more than six (06) months. This period of (06) six months starts after the service of the summons. Moreover, some appropriate arrangements should be made to strictly follow this law in its true letter and spirit.

8. The State Bank of Pakistan (SBP) and Security and Exchange Commission of Pakistan (SECP) regularly issues directions to the financial institutions for their transparency and efficient working. However, these directions are not followed by the financial institutions practically and in true sense. The consumers should be made aware of their rights to approach the consumer courts in case of any grievances. The consumer courts should be made accessible to all the consumers with appropriate measures to attract more of them to the courts.

9. Those judges who decides the pending matters in the consumer courts within six months and are working efficiently and diligently should be awarded with appreciation certificates and other awards by the Chief Justice of the High Courts of the respective provinces. Moreover, laws should made to ensure the speedy and expeditious disposal of the cases.

10. The government should devise a longer plan for the protection of the consumers in the banking sector covering the domains of legislation, raising awareness and the redressal of the grievances. Besides, one of the important points in this plan should be to determine a monthly target for every consumer judge dispose a certain number of cases to be decided within a month. In this way, these courts will not be overburdened, and the objective of the expeditious justice can also be ensured.

11. It is an understood concept that the competency and excellence in the judicial field can only be achieved through the legal education and quality research. So, it is necessary to provide opportunities of learning and trainings to the judges of the consumer courts to ensure the efficiency of the working of the consumer courts.

12. The Financial Institutions Act, 2016 should be listed in the schedule of PCPA, 2005.

13. The quarterly report of the consumer courts should be prepared over the banking services regularly and its copies should be sent to the Governor SBP and SECP from time to time. Moreover, the copies of the quarterly reports of the consumer courts should also be sent to the Superior Judiciary for proper and effective oversight and monitoring.

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